

Crl.O.P.No.20295 of 2019
in Crl.A.No.SR10951 of 2019

P.N.PRAKASH, J.

For the sake of convenience, the petitioner and the respondent will be referred to as the complainant and the accused, respectively.

2. The complainant initiated a prosecution in S.T.C.No.24 of 2017 before the Judicial Magistrate Court No.I (Fast Track Court), Erode, under Section 138 of the Negotiable Instruments Act, 1881, against the accused. The learned Judicial Magistrate-I, by judgment and order dated 07.10.2017, convicted the accused and sentenced him to undergo six months simple imprisonment and pay a sum of Rs.3,00,000/- as compensation to the complainant, in default to undergo one month simple imprisonment.

3. Challenging the conviction and sentence, the accused preferred an appeal in C.A.No.20 of 2018 before the Principal District and Sessions Court, Erode. The learned Sessions Judge, by judgment dated 14.12.2018, allowed the appeal preferred by the accused. Aggrieved by the judgment and order of acquittal, the complainant is before this Court.

P.N.PRAKASH, J.

nsd

4. It is seen that the accused has been acquitted on the ground that he was not in station at the time when the cheque was drawn. In a prosecution under Section 138, *ibid*, alibi is not always a good ground to hold that the accused had not drawn the cheque. Since the complainant has raised substantial grounds in the appeal, leave is granted.

The Registry is directed to number the appeal, if the same is otherwise in order.

nsd

To

1. The Judicial Magistrate No.I,
(Fast Track Court),
Erode.
2. The Principal District and Sessions Judge,
Erode.

31.07.2019

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